

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

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U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte CHRISTIAN KUNERT,  
JOHANNES ROETTGERS,  
ROLAND LEROUX  
and PETER BRIX

Application No. 10/713,050

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 8, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On October 19, 2005, the examiner mailed an Examiner's Answer. On page 3, section (8) of the Answer, the examiner relies upon Japanese Patent No. 2000-290037, as one of the

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references in the rejection of claims on appeal. A review of the application reveals that the examiner has not provided a full-text English translation of Japanese Patent No. 2000-290037.

Moreover, on August 29, 2005, appellants filed an Appeal Brief under the new rules established under 37 CFR § 41.37(c). However, the Brief does not contain one of the required headings, namely, "Summary of Claimed Subject Matter."

Accordingly, it is

ORDERED that the application is returned to the examiner to:

(1) provide a full-text English translation of Japanese Patent No. 2000-290037, and to have the translation scanned into the official record;

(2) provide a copy of said English translation to appellants;

(2) notify appellants to submit a Substitute Appeal Brief which contain all of required headings under 37 CFR § 41.37, including "Summary of Claimed Subject Matter;" and

(3) for such further action as may be appropriate.

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By: 

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CRF/clm